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REMARKS

Claims 1, 2, and 4-21 are amended. Claims 1-21 are pending. No new matter is added by these amendments. By amending the claims, applicant is not conceding that the claims are non-statutory under 35 U.S.C. 101, 102, 103, or 112, as the present claim amendments are only for the purpose of facilitating expeditious prosecution. Applicant respectfully reserves the right to pursue the subject matter of the claims as it existed prior to any amendment and to pursue other claims, in one or more continuation and/or divisional applications. Applicant respectfully requests reconsideration and allowance of all claims in view of the amendments above and the remarks that follow.

Claim Objections

Claims 4, 8, and 18 are objected to for including "the telephone number." Claims 4, 8, and 18, are amended to remove "the telephone number."

Claim Rejections under 35 U.S.C. 101

Claims 6-10 are rejected under 35 U.S.C. 101 because "it is software per se." Applicant respectfully traverses these grounds for rejection for the reasons argued below. Claims 6-10 include means plus function language. MPEP 2106 (II) (C) recites:

"Where means plus function language is used to define the characteristics of a machine or manufacture invention, such language must be interpreted to read on only the structures or materials disclosed in the specification and "equivalents thereof" that correspond to the recited function. In re Donaldson, 16 F.3d 1189, 1193, 29 USPQ2d 1845, 1848 (Fed. Cir. 1994) (en banc); In re Alappat, 33 F.3d 1526, 1540, 31 USPQ2d 1545, 1554 (Fed. Cir. 1994) (en banc)." (emphasis added).

Applicant's specification at page 6 lines 24-28, page 7, lines 1-28, page 8, lines 1-3, page 9, lines 26-28, page 10, lines 1-27, and page 11, lines 1-5, in pertinent part recites:

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"The storage device 162 represents one or more mechanisms for storing data. For example, the storage device 162 may include read only memory (ROM), random access memory (RAM), magnetic disk storage media, optical storage media, flash memory devices, and/or other machine-readable media. In other embodiments, any appropriate type of storage device may be used. Although only one storage device 162 is shown, multiple storage devices and multiple types of storage devices may be present. Although the storage device 162 is shown in Fig. 1 as a single monolithic entity, the storage device 162 may in fact be distributed and/or hierarchical, as is known in the art. For example, the storage device 162 may exist in multiple levels of storage devices, and these levels of storage devices may be further divided by function, so that one level of storage device holds, e.g., instructions while another holds, e.g., non-instruction data which is used by the processor or processors. The storage device 162 may further be distributed and associated with different processors or sets of processors, as is known in any of various so-called non-uniform memory access (NUMA) computer architectures. Further, although the server 106 is drawn to contain the storage device 162, it may be distributed across other electronic devices, such as electronic devices connected to the network 108.

The storage device 162 includes a controller 172 and queues 174, all of which may in various embodiments exist in any number. Although the controller 172 and the queues 174 are both illustrated as being contained within the storage device 162 in the server 106, in other embodiments some or all of them may be on different electronic devices and may be accessed remotely, e.g., via the network 108.

The controller 172 processes messages on the queues 174 and sends the messages from the server 106 to the recipient 130 based on the preferred technique via the telnet server 176 and the network 108 or the computer 124. In an embodiment, the controller 172 includes instructions capable of executing on the processor 160 or statements capable of being interpreted by instructions executing on the processor 160 to perform the functions as further described below with reference to Fig. 5. In another embodiment, the controller 172 may be implemented in hardware via logic gates and/or other appropriate hardware techniques in lieu of or in addition to a processor-based system. In an

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embodiment, the queues 174 may be associated with each of the respective printers 126. In an embodiment, the queues 174 are printer queues that are repositories for spool files. Spool files can be enqueued remotely onto the queues 174 using a Line Printer Requester (LPR) at the client 104. LPR communicates/transfers spool files to the queues 174 by communicating with a Line Printer Daemon (LPD) application at the server 106. In various embodiments, LPR may be native at the client 104, an applet at the client 104 may invoke LPR, or a servlet may invoke LPR from the website server 102.

The website server 102, the client 104, the server 106, and the computer 124 may be implemented using any suitable hardware and/or software, such as a personal computer. The computer 124 may implement a telnet client and in various embodiments may be any network-connected host computer or an integrated IBM X Series (IXS). Portable computers, laptop or notebook computers, PDAs (Personal Digital Assistants), pocket computers, telephones, pagers, automobiles, teleconferencing systems, appliances, and mainframe computers are examples of other possible configurations. The hardware and software depicted in Fig. 1 may vary for specific applications and may include more or fewer elements than those depicted. For example, other peripheral devices such as audio adapters, or chip programming devices, such as EPROM (Erasable Programmable Read-Only Memory) programming devices may be used in addition to or in place of the hardware already depicted.

The various software components illustrated in Fig. 1 and implementing various embodiments of the invention may be implemented in a number of manners, including using various computer software applications, routines, components, programs, objects, modules, data structures, etc., referred to hereinafter as "computer programs," or simply "programs." The computer programs typically comprise one or more instructions that are resident at various times in various memory and storage devices in the website server 102, the client 104, the server 106, and the computer 124 and that, when read and executed by one or more processors cause the website server 102, the client 104, the

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server 106, and/or the computer 124 to perform the steps necessary to execute steps or elements embodying the various aspects of an embodiment of the invention.

Moreover, while embodiments of the invention have and hereinafter will be described in the context of fully functioning electronic devices, the various embodiments of the invention are capable of being distributed as a program product in a variety of forms, and the invention applies equally regardless of the particular type of signal-bearing medium used to actually carry out the distribution. The programs defining the functions of this embodiment may be delivered to the website server 102, the client 104, the server 106, and/or the computer 124 via a variety of signal-bearing media, which include, but are not limited to:

(1) information permanently stored on a non-rewriteable storage medium, e.g., a read-only memory device attached to or within an electronic device, such as a CD-ROM readable by a CD-ROM drive;

(2) alterable information stored on a rewriteable storage medium, e.g., a hard disk drive or diskette.”

Thus, the means plus function language of claims 6-10 must be interpreted to read on only the structures or materials disclosed in the specification and equivalents thereof that correspond to the recited function, and the specification discloses the structures or materials of “the storage device 162,” “read only memory (ROM), random access memory (RAM), magnetic disk storage media, optical storage media, flash memory devices,” “The storage device 162 includes a controller 172,” “the controller 172 includes instructions capable of executing on the processor 160 or statements capable of being interpreted by instructions executing on the processor 160 to perform the functions as further described below with reference to Fig. 5. In another embodiment, the controller 172 may be implemented in hardware via logic gates and/or other appropriate hardware techniques,” “a personal computer,” “Portable computers, laptop or notebook computers, PDAs (Personal Digital Assistants), pocket computers, telephones, pagers, automobiles, teleconferencing systems, appliances, and mainframe computers,” “hardware,”

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"peripheral devices such as audio adapters, or chip programming devices, such as EPROM (Erasable Programmable Read-Only Memory) programming devices," "one or more instructions that are resident at various times in various memory and storage devices in the website server 102, the client 104, the server 106, and the computer 124 and that, when read and executed by one or more processors cause the website server 102, the client 104, the server 106, and/or the computer 124 to perform the steps necessary to execute steps or elements embodying the various aspects of an embodiment of the invention," "information permanently stored on a non-rewriteable storage medium, e.g., a read-only memory device attached to or within an electronic device, such as a CD-ROM readable by a CD-ROM drive," and "alterable information stored on a rewriteable storage medium, e.g., a hard disk drive or diskette."

Thus, claims 6-10 have the necessary physical components to constitute a machine or manufacture, and are statutory under 35 U.S.C. 101.

Claims 11-15 are rejected under 35 U.S.C. 101 because "a signal-bearing is incapable of being touched or perceived." Claims 11-15 are amended to recite a storage medium, which is a physical article or object and statutory under 35 U.S.C. 101.

Claim Rejections under 35 U.S.C. 102 and 103

Claims 1, 3, 5, and 21 are rejected under 35 U.S.C. 103(a) as unpatentable over Beck (US 2004/0122951 A1) in view of Shires (US 6,792,102). Claim 2 is rejected under 35 U.S.C. 103(a) as unpatentable over Beck in view of Shires, Thompson (US 2004/0116068 A1), and Vaillancourt (US 2007/0226048 A1). Claim 4 is rejected under 35 U.S.C. 103(a) as unpatentable over Beck in view of Shires and Peterson (US 6,324,522). Claims 11, 12, 16, and 20 are rejected under 35 U.S.C. 103(a) as unpatentable over Beck in view of Morris (US 7,305,479 B1). Claims 13, 14, and 19 are rejected under 35 U.S.C. 103(a) as unpatentable over Beck in view of Morris and Peterson. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as unpatentable over Beck in view of Morris and Stahura (US 2003/0009592 A1). Claim 18 is rejected under 35 U.S.C. 103(a) as unpatentable over Beck in view of Morris, Stahura, and Peterson.

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Claims 6 and 9 are rejected under 35 U.S.C. 102(e) as unpatentable over Beck. Claim 7 is rejected under 35 U.S.C. 103(a) as unpatentable over Beck in view of Thompson and Vaillancourt. Claim 8 is rejected under 35 U.S.C. 103(a) as unpatentable over Beck in view of Peterson. Claim 10 is rejected under 35 U.S.C. 103(a) as unpatentable over Beck in view of Pederson (US 2003/0229667 A1). Applicant respectfully submits that the claims are patentable over Beck, Shires, Thompson, Vaillancourt, Peterson, Morris, Stahura, and Pederson, alone or in any combination, because Beck, Shires, Thompson, Vaillancourt, Peterson, Morris, Stahura, and Pederson, alone or in any combination, do not teach or suggest all elements of the claims for the reasons argued below.

Claim 1 recites: “sending the message and the indication of the preferred delivery technique to a queue at the server, wherein the queue is associated with a printer, the telephone area code, and the telephone exchange, wherein the message further comprises a file, and wherein the sending further comprises appending the telephone number of the recipient to a name of the file that is sent to the queue,” which is not taught or suggested by Beck, Shires, Thompson, Vaillancourt, Peterson, Morris, Stahura, and Pederson, alone or in any combination, for the reasons argued below.

Beck, Peterson, Morris, Stahura, and Pederson do not teach or suggest a queue.

Thompson at [0033] recites “queues the data for transmission, and communicates the queued data to the FM broadcast tower,” which does not teach or suggest a “queue is associated with a printer, the telephone area code, and the telephone exchange, wherein the message further comprises a file, and wherein the sending further comprises appending the telephone number of the recipient to a name of the file that is sent to the queue,” as recited in claim 1.

In contrast to claim 1, Vaillancourt at [0026] recites “At step 109, a lead task is dispatched to a sales organization lead queue, such as an Independent Sales Organization (ISO), a Field Sales Organization (FSO), or one or more other representatives. Dispatching may be done based on an existing territory model,” which does not teach or suggest “the queue is associated with a printer, the telephone area code, and the telephone

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exchange, wherein the message further comprises a file, and wherein the sending further comprises appending the telephone number of the recipient to a name of the file that is sent to the queue," as recited in claim 1 because the Vaillancourt "sales organization lead queue" is not associated with a printer and has "a lead task" dispatched to it and not a file with a name that has a telephone number appended to it, as recited in claim 1.

In contrast to claim 1, Shires at column 5, lines 38-40 recites: "A call-back request for live customer support is routed to the agent station 160 in the form of a routed call 350 by the call center 140." In further contrast to claim 1, Shires at column 7, lines 31-35 recites: "For example, the identification of the user who issues the call-back request 510 and the call-back phone number may be extracted from the request 510 and recorded in a queue of call-back requests." Thus, Shires teaches away from claim 1 because Shires stores the call-back phone number of the user who issues the call-back request in the Shires queue while claim 1 appends the telephone number of the recipient to the file name.

Thus, Beck, Shires, Thompson, Vaillancourt, Peterson, Morris, Stahura, and Pederson, alone or in any combination, do not teach or suggest all elements of claim 1.

Claims 6, 11, 16, and 21 include similar elements as argued above for claim 1 and are patentable over Beck, Shires, Thompson, Vaillancourt, Peterson, Morris, Stahura, and Pederson, alone or in any combination, for the reasons argued above. Claims 2-5, 7-10, 12-15, and 17-20 are dependent on claims 1, 6, 11, and 16, respectively, and are patentable over Beck, Shires, Thompson, Vaillancourt, Peterson, Morris, Stahura, and Pederson, alone or in any combination, for the reasons argued above, plus the elements in the claims.

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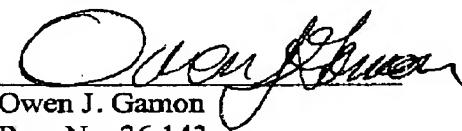
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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is requested. The Examiner is invited to telephone applicant's attorney (651-645-7135) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0465.

Respectfully submitted,


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Date: May 21, 2008

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